

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 448 - HB 1086

March 29, 2021

**SUMMARY OF ORIGINAL BILL:** Requires a law enforcement agency that discovers potentially exculpatory evidence to report that evidence to the district attorney of that jurisdiction, the trial court, the individual convicted, and that individual's attorney.

Authorizes a person convicted of and sentenced for first degree murder, second degree murder, aggravated rape, rape, aggravated sexual battery or rape of a child, the attempted commission of any of these offenses, any lesser included offense of these offenses, or, at the direction of the trial judge, any other offense, at any time to file a petition requesting the performance of fingerprint analysis of any evidence that is in the possession or control of the prosecution, law enforcement, laboratory, or court, and that is related to the investigation or prosecution that resulted in the judgment of conviction and that may contain fingerprint evidence. Details the instances that a court is required to order a fingerprint analysis. Requires such analysis be paid from the Indigent Defense Fund if such analysis is ordered to be paid on behalf of the petitioner.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006125):** Deletes and replaces all language after the enacting clause, such that the only substantive changes are defining "finger print analysis" and expanding the offenses eligible under this legislation to include a Class A felony and a Class B felony.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Law enforcement agencies can report potentially exculpatory evidence to the district attorney of that jurisdiction, the trial court, the individual convicted, and that individual's attorney without a significant increase in state or local expenditures.
- According to information provided by the Tennessee Bureau of Investigation, any increase in workload as related to fingerprint analysis can be accommodated with existing personnel and resources without a significant increase in expenditures.

- Any increase for local law enforcement expenditures to conduct fingerprint analysis is estimated to be not significant.
- The approximant cost of a fingerprint analysis is \$13.75.
- It is unknown how many, if any, cases would necessitate the order of a fingerprint analysis that would need to be paid from the Indigent Defense Fund at an increase in expenditures of \$13.75 per analysis. However, it is estimated that such instances would be rare and the impact to the Indigent Defense Fund will be not significant.
- Any increase in caseloads to courts can be accommodated within existing resources without an increased appropriation or reduced reversion.
- It is estimated that there will not be a sufficient number of reversals of convictions for state government to experience any significant impact on revenue or expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jg